

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIELLE MALMQUIST,
Plaintiff,
v.
SHEM MALMQUIST, et al.,
Defendants.

Case No.17-cv-04831-JD

**ORDER VACATING HEARING AND
EXTENDING DEADLINE TO
RESPOND TO MOTION TO DISMISS**

Re: Dkt. No. 48

On January 31, 2019, defendants Shem and Meredith Malmquist moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction. Dkt. No. 48. Along with their motion, they filed a certificate of service showing that pro se plaintiff Danielle Malmquist was served with a copy of the motion by U.S. Postal Service mail at the address she has listed on her own filings in this case: P.O. Box 4664, San Mateo, CA 94404. Dkt. No. 48-7.

Plaintiff did not file a timely opposition under the district's civil local rules. Civ. L.R. 7-3(a). On March 6, 2019, she filed a "notice of unavailability" and "response" to the motion, in which she claims that she never received a copy of the motion and asks for more time to respond to it. Dkt. No. 50.


A proof of service is presumptively accurate unless facts are adduced showing otherwise, which did not happen here. Nevertheless, as an accommodation on this one occasion only, the Court will allow plaintiff Danielle Malmquist an extension of time to respond to the motion to dismiss. The response must be filed by **March 29, 2019**. No further extensions will be granted. The parties are advised that a "notice of unavailability" and similar communications are not recognized in federal court and do not have any effect whatsoever on court deadlines. Please do not file or serve any such notices.

The hearing on the motion set for March 14, 2019 is **VACATED**.

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IT IS SO ORDERED.

Dated: March 11, 2019



JAMES DONATO
United States District Judge